ATTORNEY DOCKET NO.   PATENT APPLICATION
062986.0332   10/620,387
(1219.53)

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REMARKS

This Application has been carefully reviewed in light of the Final Action issued January 23, 2009. Claims 1-12 are pending in this Application. In order to advance prosecution of this Application, Claims 1, 5, 9, 10, and 12 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

The Examiner issued a Final Action on January 23, 2009. Applicant respectfully requests continued examination of this Application so that the Examiner can reconsider the rejection of the claims in view of the amendments and remarks provided herein.

Claims 1-4 and 10-12 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,453,354 issued to Jiang, et al. Independent Claims 1 and 10 recite in general an ability to initiate an operation on the virtual metadata, lock the virtual metadata during execution of the operation, begin execution of the operation on the virtual metadata, determine whether a metadata server maintaining the virtual metadata is to be relocated during execution of the operation, determine whether the virtual metadata is under hierarchical storage management, and release a lock on the virtual metadata in response to relocation of the metadata server during execution of the operation on the virtual metadata and the virtual metadata being under hierarchical storage management. By contrast, the Jiang, et al. patent merely discloses that it can place locks on its files. However, the Jiang, et al. patent fails to disclose any capability to relocate a metadata server let alone release a lock on a virtual metadata in response to relocation of the metadata server as required by the claimed invention. Support for the above recitation can be found at paragraphs [0078] -

[0080] of Applicant's originally filed Application. Therefore, Applicant respectfully submits that Claims 1-4 and 10-12 are not anticipated by the Jiang, et al. patent.

Claims 5-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,453,354 issued to Jiang, et al. in view of U.S. Patent No. 6,981,005 issued to Cabrera, et al. Independent Claim 5 recites ". . . locking virtual metadata maintained by the current metadata server during execution thereof by one of the computer system nodes, the virtual metadata being DMAPI enabled; beginning execution of the operation on the virtual metadata; initiating relocation of the current metadata server to the new metadata server during execution of the virtual metadata; releasing a lock on the virtual metadata in response to initiating relocation of the metadata server during execution of the virtual metadata." By contrast, as pointed out above, the Jiang, et al. patent merely discloses that it can place locks on its files. However, the Jiang, et al. patent fails to disclose any capability to relocate a metadata server let alone release a lock on a virtual metadata in response to relocation of the metadata server as required by the claimed invention. The Cabrera, et al. patent merely discloses hierarchical storage management and the migration of data, but not migration of metadata. Moreover, the Cabrera, et al. patent fails to disclose relocation of a metadata server or release of a lock on a virtual metadata in response to relocation of the metadata server as required by the claimed invention. Support for the above recitation can be found at paragraphs [0078] - [0080] of Applicant's originally filed Application. Therefore, Applicant respectfully submits that Claims 5-8 are patentably distinct from the proposed Jiang, et al. - Cabrera, et al. combination.

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,453,354 issued to Jiang, et al. in view of U.S. Publication No. 2002/0161855 published by Manczak, et al. Independent Claim 9 recites ". . . at least one metadata client node, coupled to said storage area network, the at least one metadata client node operable to: initiate an operation on the virtual metadata; lock the virtual metadata during execution of the operation; begin execution of the operation on the virtual metadata; determine whether a metadata server maintaining the virtual metadata is to be relocated during execution of the operation; determine whether the virtual metadata is under hierarchical storage management; release a lock on the virtual metadata in response to relocation of said at least one metadata server during execution of the operation on the virtual metadata and the virtual metadata being under hierarchical storage management. By contrast, as pointed out above, the Jiang, et al. patent merely discloses that it can place locks on its files. However, the Jiang, et al. patent fails to disclose any capability to relocate a metadata server let alone release a lock on a virtual metadata in response to relocation of the metadata server as required by the claimed invention. The Manczak, et al. application merely discloses hierarchical storage management and the migration of data, but not migration of metadata. Moreover, the Manczak, et al. application fails to disclose relocation of a metadata server or release of a lock on a virtual metadata in response to relocation of the metadata server as required by the claimed invention. Support for the above recitation can be found at paragraphs [0078] - [0080] of Applicant's originally filed Application. Therefore, Applicant respectfully submits that

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Claim 9 is patentably distinct from the proposed Jiang, et al. - Manczak, et al. combination.

Please charge an amount of $810.00 in satisfaction of the request for continued examination fee under 37 C.F.R. §1.17(e) to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Applicant respectfully requests a three month extension of time for submitting this Request for Continued Examination. Attached herewith is a Notification of Extension of Time in support thereof.

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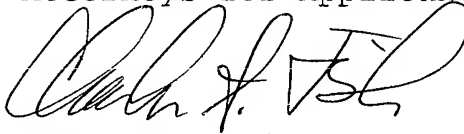(1219.53)

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CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

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09 July 2009

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